

Donnie Poe voicemail log

Friday, 6/2/23 10:30am *[not exactly verbatim but close; listened multiple times]*

- We talked months and months ago about a little campground with Joe Brogan in Front Royal VA
- I got this Dr. Emerson or somebody wrote letter to us you was copied on it and I don't understand what's going on with this gentleman. We have got all the proper permitting and proper approvals from you all when we started campground about the cutting of the trees, nobody done any excavating; [unclear] permits; we got the forestry department stumpgrinding every stump by hand. I don't know what this guy is doing here.
- We asked three months ago for him to please meet with us and no one ever responded. This is our third time asking this gentleman [to meet with him]. I'm not sure what's going on here. All started with someone we thought were trespassing. I need some help here. We done everything all permitting that we agreed to. This guy is absolutely, I don't know what he's doing. But I can't afford this. I spent a tremendous amount of time effort and money on this project to make it beautiful and nice. This guy is trying to kill me. I need some help.

(b) (6) If you would be so kind to give me a call back

Mon, 6/5/23 9:05am

- I've made 15 phone calls and no one calling back. Gonna have to call the governor. Please call back. (b) (6)(b) (6)

Mon, 6/5/23 at 11:15am

- Returning call attempt
 - Left voicemail. Stated that there wasn't a specific question via voicemail for me to answer on this voicemail, acknowledge there was a frustration expressed by Mr. Poe, but not sure if there is a specific question for me/EPA, but if wants to give a call back feel free to do so; 215-814-2623. Otherwise there has been email traffic, I expect to respond to Mr. Brogan's email.
- Donnie Poe return call 6/5/23 around 12:40pm
 - [not verbatim – general sentiment/topics]
 - DP calling to clarify that they have approval to have a campground
 - I clarified what EPA had done – following June 2022 conference call, indicated that based upon the information provided, that we did not have objections under the UECA covenants
 - Later in conversation clarified that CWP has independent authority from EPA under the UECA (DP seem to indicate we're the entity that matters and I clarify that;s not true -- CWP has rights and authority under UECA)
 - DP: we have everyone involved known to man and everyone on board; Forestry came out to inspect trees and hand grind stumps; DEQ never responded (though meeting with them this Thursday); County/Town ok'd; USACE hasn't raised a problem (per DP)

- Thinks this is all retaliatory b/c VA water and wetlands came onto property and DP/JP call sheriff for trespassing
- Thinking big conflict of interest for Dr. Ivers who owns VA water and wetlands and also head of CWP (because according to DP, VA water and wetlands does the same thing as DP doing here)
- Issue re: trees
 - I confirm recollection of him raising topic of “scrub trees/”scrub bushes” and dead/dying/want to move
 - We didn’t “approve” cutting but remember the discussion of the trees and us saying we weren’t going to come there to pre-approve tree by tree essentially; recollected that we pointed DP/JP to tree cutting provision of UECA and indicated that there are restrictions but allowances, see BMPs/forestry
 - DP says that’s exactly what he remembers and what they did/got forestry involved
 - He also brought up that part of discussion was about box turtles
 - I didn’t recall that previously based upon my own recollection and notes, but definitely agree the box turtle came up (I think from CWP mentioning they exist in area w/r/t questioning wetlands delineation)
 - Indicated saved 3 hardwood trees, boxwood dead trees removed per dept’d forestry involved
- I inquire if anyone residing on property (based upon CWP’s new allegation) and he was strongly adamant that no one living there; people in tents/camp situation, he’s not having anyone live on his property etc.
- I indicate I’ll be responding to Joe Brogan email to clarify the “acceptance”/”approval” issue we discussed to clarify that language/our role to date, but also need to go to dr.

Augusta call summary 6/5/23



Mery, Augusta (she/her/hers) 5:02 PM

I talked to Donnie and it went mostly as you expected- a lot of listening. His requested action item of me was "to do something" about CWP and his perception that CWP is harassing him unfairly. Joe Brogan was also on the line and voiced concern about their special use permit getting revoked by the Town due to these alleged violations. Joe wanted to know what the path forward is for enforcement (what DOJ is going to do about the alleged violations) and I didn't provide answers, I just said you were working on correspondence currently.

6/5/23

- Got a call from Mr. Ivers told Town that he wants take the special right use permit for campground; what is going on with guy; don’t understand it; need to call governor; not sure why called Town of Front Royal who I do business with on a daily basis; can you please give a call back on cell.

6/8/23 10:18

- Joe Brogan – don't know if you've seen email from CWP – never seen so unprofessional and untrue in life; Site didn't even test dirty tested clean and now and saying need to do environmental testing; we were granted permission to do this project, we were granted permission to cut trees; we have a permit from the Forest department; these threatening actions, need help from EPA; we did not have any requirements of what they were saying; you all granted permission to move forward, and we got all other permissions necessary; we did not have to do what they're saying we have to do; we're meeting DEQ to the site, we invited them to the Site that's how much we think we're in the right. meeting in 15 mins. (b) (6)

6/8/23

- Call back request from Donnie Poe and Joe Brogan

6/8/23 3:30pmish – LZ call back to Joe Brogan

- At end of ropes and feel like they're just harassing us
- They're telling us now that they weren't allowed to move forward from the campground
- Campground was a complete nonstarter if couldn't have overnight and cut some trees
- Now today failed to stop us under DEQ, ACE, petition town to revoke campground permit; and now saying potentially created toxins – ludicrous to me
- Do they need to do test toxins? LZ: That's legal advice consider getting a lawyer if want legal advice but I can't give you legal advice; EPA hasn't ordered you to test toxins.
- Can CWP enforce covenants? LZ: yes. I don't know if what you're asking is if they would be "successful" if their opinions are essentially right, so I don't know if that's what you meant, and I won't respond to that, but in general under Paragraph 9 enforcement paragraph CWP the holder has enforcement rights, that is separate from US
- JB: when you said you conferred with CWP after the call and said all good, thought good
 - LZ: clarify – that email said that EPA conferred. There were 3 of us on the call from EPA and afterwards we needed to discuss and then I emailed that EPA had no objections under the covenants/EPA's position was in writing via email. (b) (5)(b) (5)(b) (5)
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 - JB or DP: but they never said anything/never had any issues/objections until now; never said anything
- We just had all of these people here today (DEQ) and County and Front Royal; no one jumping up and down that does ENS stuff told DEQ there's nothing about stump grinding that would make us get a land disturbance permit; what these people are trying to do is incorrect; if 5% asked all the right questions; that lady straight up lying – short discussion about box turtle and they said they addressed that so these people are holding covenants and not trustworthy; somebody should have said needed multiple emails; we were under the assumption that all was good to go; never received a letter from CWP in email stating that they're requesting; everyone involved in this dropped the ball; and you all know this business and we don't know this business; somebody's ball has dropped the ball; it's not good; what was the point of having four people on the call

- Gov't drop the ball –
 - LZ retort: gov't didn't drop the ball; I can't leave that; Poe came to EPA, asked opinion about UECA and campground; we gave EPA's position on campground and UECA
- We all put everyone together for the conference call and then Allison lying saying asked for/required a wetlands study and that's not true; no wetlands even there; and short conversation about box turtle but they didn't follow-up asking for anything and they didn't ask for it on the call; because they didn't; we went around "all good? All good."
 - LZ: I don't disagree with your recollection on contents of the conversation; I Don't know about any side correspondence with CWP but agree with your recollection of content of conversation
- Isn't it someone's job to come out here and say we didn't violate anything? It should be someone's job to come here and look things over and they they'd realize we didn't do anything

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- All we need is some help; I don't know what to say; they can go to the Town of Front Royal and revoke our permit; you guys are just going to let them do that?
 - LZ: I don't know what's involved in getting a special permit in front royal revoked, but if you're saying they're trying to do that; EPA cannot stop CWP from contacting people; EPA can't stop them from making phone calls
- DP: so just gonna leave us here out on our own; gonna let us keep harassing us; what EPA going to do when we go to court?
 - LZ: That's a hypothetical that I won't go down because it's not happening and I don't know, depends what's happening. [at multiple times during call]: what I've heard you express throughout this call is a frustration with CWP and wanting to know what they can order you to do and if they can make you do xyz; understand that, but ultimately you're asking me for a legal interpretation of CWP's authority and opinions under the UECA and you're not my client I can't do that. You are not required to get a lawyer but what I hear you asking me are legal questions and I cannot give you legal advice. EPA has not ordered you to do toxins testing as you've referenced, or issued an order to you to do the various items you identified. I can only speak on EPA's role and I have been speaking up when EPA's role and actions have been mischaracterized. I'm on the communications and you can reach me.